

TOWNSHIP OF CHATHAM ZONING REGULAR MEETING MINUTES

*BOARD OF ADJUSTMENT
JANUARY 18, 2018*

Mr. Vivona called the Regular Meeting of the Zoning Board of Adjustment to order at 7:30pm with the reading of the Open Public Meetings Act.

Mr. Shaw administrated the Oath of Office to: Mr. Vivona– Mr. Style – Mr. Fitt

Roll Call

Answering present to the roll call were Mr. Vivona, Mr. Weston, Mr. Williams, Mr. Style, Mr. Borsinger, Mr. Hyland, Ms. Labadie and Mr. Fitt. Mr. Newman was absent.

Reorganization of the Board

Mr. Shaw requested a nomination for Temporary Chairperson for the reorganization meeting.

A motion was made by Mr. Williams and seconded by Mr. Borsinger to nominate Mr. Hyland as Temporary Chairperson - All in favor.

Mr. Hyland asked for a nomination for Chairman of the Board.

Mr. Borsinger nominated Mr. Vivona as Chairman which was seconded by Mr. Williams. - All in favor.

Mr. Vivona then asked for a nomination for Vice Chairperson.

Mr. Williams nominated Mr. Weston as Vice Chairman which was seconded by Mr. Borsinger. - All in favor.

Resolutions for Board Appointments:

- | | |
|-----------------------------------------------|------------------------------------------------|
| • Board Counsel | Stephen Shaw |
| • Consultant Engineer | John Ruschke, Mott McDonald |
| • Planning Consultant | Robert Michaels |
| • Cellular Telecommunication Engineers | Bruce Eisenstein |
| • Acoustical Engineers | Norman Dotti |
| • Board Secretary | Meg Smith |
| • Establishing Meeting Schedule | |
| • Designating Newspaper | Chatham Courier and Morris County Daily Record |

A motion was made by Mr. Williams seconded by Mr. Borsinger to approve the above noted Board appointments and to approve meeting schedule and newspaper designation resolutions. All board members were in favor of the motion.

Approval of Minutes

Mr. Williams made a motion to approve the minutes from the December 21, 2017 meeting. Mr. Borsinger seconded the motion. All board members were in favor of the motion.

Mr. Borsinger made a motion to approve the New Cingular Wireless Transcript from the December 21, 2017 meeting. Mr. Hyland seconded the motion. All board members were in favor of the motion.

Memorialization

Charles & Joanna Mulford

20 Buxton Road

Block: 62.01 Lot: 56

Calendar BOA 17-74-31

A motion was made by Mr. Borsinger to adopt the Resolution as submitted, seconded by Mr. Weston. Roll Call: Mr. Weston, Mr. Styple, Mr. Borsinger, Mr. Hyland and Ms. Labadie. All in favor

Hearings

Michael Meaney

36 Dellwood Avenue

Block: 78 Lot: 19.04

Calendar BOA 17-78-19.04

Mr. Ferrante, Engineer for the applicant, explained that the applicant is proposing to re-grade the rear of the property from brush to grass and is proposing to plant 7 new trees to screen rear yard to the high school. Mr. Ferrante stated that the applicant will keep the existing slope to the south of the property. A French drain is being proposed to catch any runoff.

Mr. Ferrante stated that the applicant will agree to do plantings suggested by the Township Engineer.

Mr. Vivona questioned the size of the drain and Mr. Ferrante stated that the drain will be 2 feet by 3 feet.

Mr. Vivona questioned the material for the proposed retaining wall and Mr. Ferrante stated that it will be a segmental block wall. Mr. Vivona suggested plantings in front of the wall and Mr. Ferrante stated that the plantings would be agreed to.

Mr. Nollstadt, Township Engineer, suggested that a variance be requested for the existing shed.

A site visit was scheduled for February 3, 2018 at 9:00am.

Mads & Sari Jepsen

446 Green Village Road

Block: 144 Lot: 50

Calendar BOA 16-144-50

Mr. Brady, attorney for the applicant, explained that this property is an irregularly shaped lot in the R-1 zone. The property has an existing 2 story house and detached garage which has been vacant for some time. Applicant is proposing a 3 story home. An exposed garage is proposed on the first story with living space on the second and third story.

Mr. Shaw asked if the design of the home was based on DEP restrictions. Mr. Brady stated that there are significant restrictions from the DEP which affected the design of the proposed home.

A site visit was scheduled for February 3, 2018 at 9:30 am.

Golden River Homes

11 Sunset Drive

Block: 61 Lot: 16

Calendar BOA 17-61-16

Mr. Wolfson, attorney for the applicant, stated that this application proposes a new single family home on a vacant lot in the R-3 zone. Mr. Wolfson stated that a previous application for a single family home at this property was denied by the Board. He stated that the house proposed in this application has been redesigned and also stated that it is impossible to redevelop this lot with the existing steep slopes without needing variances.

Mr. Wolfson stated that building height has been reduced to conform and building coverage, impervious coverage, building width, all three steep slope variance have all been reduced from the previous application. Mr. Wolfson also stated that side yard setback has been increased on each side of the property and that changing the grade within 5 feet of the neighboring property line has been removed.

Mr. Hyland questioned the catch drain in the rear of the property and noted that this was an issue on the last application.

Mr. Vivona questioned the size of the home and Mr. Wolfson stated that the proposed home was 4,482 square feet which was significantly smaller than previously proposed and more in line with the existing neighborhood.

Mr. Vivona stated that the drainage systems were a large concern during the previous application and advised that the applicant be prepared to discuss this in detail when they present.

Mr. Nollstadt, Township Engineer, stated that revisions made by the applicant to address Engineering review dated 11/27/17 did not eliminate Variance #5 and that in order to remove Variance #6 the retaining wall should extend from the foundation wall of the proposed home. Mr. Hollows, Engineer for the applicant, and Township Engineer will need to re-visit this issue.

Site visit scheduled for February 3, 2018 at 10:00 am. Board requested that any trees proposed for removal be marked, as well as markings for the foundation of the home, drainage systems, and retaining walls.

New Cingular Wireless

Fairmount Avenue

Block: 62.09 Lot: 2

Calendar BOA 17-62.09-2

Transcript to be provided by the applicant.

Mr. Hyland made a motion to approve the variances as requested. Mr. Styple seconded the motion. Mr. Vivona, Mr. Weston, Mr. Styple, Mr. Hyland, Ms. Labadie and Mr. Fitt were in favor of the motion. Mr. Williams and Mr. Borsinger were recused from this application.

Joseph Artigliere

384 Shunpike Road

Block: 95.01 Lot: 11

Calendar BOA 17-95.01-11

The site visit report was read into the record by Mr. Williams.

Ms. Stone-Dougherty, attorney for the applicant, explained that the applicant would like to expand current medical use to include general office / profession use.

Mr. Page, planner for the applicant, addressed concerns from Mr. Weston regarding increased traffic with this change of use. A comparison of traffic indicated that the current medical use would have a higher traffic flow than the proposed office use.

Mr. Page stated that this property is located at the corner of Noe Ave and Shunpike Road and is in the R-3 zone which does not allow either the medical or office use. Mr. Page stated that this structure was built in the 1950's for medical use. He stated that this property has never been residential use. Mr. Page stated that the existing building has several pre-existing non-conformities due to its irregular shape and undersized lot. This application will not change the footprint of the existing building or the pre-existing non-conformities.

Mr. Page described the interior of the first floor and basement of the existing building. Mr. Page also described the parking lots which are divided into 2 separate lots to prevent cut-through between Shunpike Road and Noe Avenue.

Mr. Page stated that proposed improvements will include re-striping of the parking area, a better defined handicap parking area, a railing from the parking area into the building and new lighting. Applicant has also agreed to stop curbing in the parking area on the Noe side and a buffer / shielding of the dumpster area.

Ms. Dougherty and Mr. Page explained that the medical profession uses small offices and stacks patient appointments. Professionals, such as an accountant or an attorney, need longer appointments and have less turn-over. Sometimes these professionals meet clients' offsite.

Mr. Williams questioned overflow in the parking area.

Mr. Shaw asked the number of tenants expected.

Ms. Stone-Dougherty stated 2 to 3 tenants could possibly occupy this building.

Mr. Vivona questioned the number of bathrooms and was advised that there was only one bathroom.

Mr. Shaw stated that the Board could choose to limit use of the building by adding a condition to the resolution that there be no additional bathrooms.

Mr. Borsinger would like specific condition in the approval to restrict use and not allow massage or tattoo parlor. Mr. Shaw stated that a condition could limit / restrict the approval.

Mr. Michaels, Township Planner, questioned whether or not the property had ever been granted a D-1 variance for the current medical use. Ms. Stone-Dougherty explained that a Zoning Permit had been issued in 2012 for the medical use but that the town and the owner could not find record of a D-1 variance being granted.

Mr. Michaels stated that most towns have different space requirements for medical, which is usually higher than office use.

Ms. Stone-Dougherty stated that the current tenant has a 2 year lease and did interior renovations to eliminate 2 smaller offices and create a physical therapy area.

Mr. Vivona questioned the height of the proposed light poles.

Mr. Ruschke stated that the lights in the employee parking area could be 12 feet by the residential area and that 1 light in the front of the property could be removed. He suggested that landscaping would disguise the 15 foot light poles in the other parking area. Mr. Ruschke stated that the use should be well defined and limited.

Mr. Page questioned whether the landscaping by the trees could be shrubs. Mr. Ruschke stated that he recommended at least a 4 foot tree near the 15 foot light poles.

Mr. Shaw reviewed the restrictions of the approvals being considered.

Mr. Williams made a motion to approve the variances as requested with the restrictions noted. Mr. Weston seconded the motion. All board members were in favor of the motion.

With no other business before the Zoning Board of Adjustment, Mr. Hyland moved to adjourn the meeting, Mr. Williams seconded the motion, and it carried unanimously.

Meg Smith
Zoning Board Secretary